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Anil K. Annadata

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CAMPBELL STEPHENSON LLP
11401 CENTURY OAKS TERRACE
BLDG. H, SUITE 250
AUSTIN, TX 78758

EXAMINER

REFAI, RAMSEY

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 09/823,769	Applicant(s) ANNADATA ET AL.	
	Examiner Ramsey Refai	Art Unit 3627	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 January 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) See Continuation Sheet is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 2, 5-9, 11, 13-16, 18, 19, 21, 24-28, 30, 32-34, 37-43, 45-47, 49, 50 and 52-60 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Continuation of Disposition of Claims: Claims pending in the application are 2,5-9,11,13-16,18,19,21,24-28,30,32-34,37-43,45-47,49,50 and 52-60.

DETAILED ACTION

Response to Amendment

Responsive to Request for Examination (RCE) filed January 16, 2009. Claims 2, 15, 21, 34, and 49 have been amended. Claims 2, 5-9, 11, 13-16, 18-19, 21, 24-28, 30, 32-34, 37-43, 45-47, 49-50, and 52-60 remain pending.

Response to Arguments

1. Applicant's arguments have been fully considered but they are not persuasive.

- In the remarks, the Applicant argues with substance:

Argument A: *Mears fails to show or suggest the claimed determination of a command or an event response as required by the claim limitations. Mears fails to show, teach, or even suggest any determining in response to incoming or outgoing communication as claimed.*

In response, the Examiner respectfully disagrees. Mears teaches a contact center system employing a plurality of agent workstations and includes a queuing component capable of receiving contacts of different media types, such as telephone calls, email, facsimiles, web chat, voice over internet protocol, and so on (**see at least abstract**). The system includes a contact center server that includes a routing manager among other components. When the contact center server receives a communication request from one of the plurality of media types, it recognizes the requests and it requests creation of a contact object with routing manager. The routing manager, which is part of the contact center server, adds the contact object to the queue (**see at least figs 59-64**). The contact center server creation of a contact object based on the incoming request meets the claimed

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limitation of determining an event response in response to an incoming or outgoing communication.

Argument B: *Mears fails to disclose a configurable communication server to communicate in a media-independent manner via one or more media-specific communication channels using a corresponding driver associated with each communication channel. Mears fails to show that the communication channel is media-specific.*

In response, the Examiner respectfully disagrees. Mears teaches a contact center system employing a plurality of agent workstations and includes a queuing component capable of receiving contacts of different media types, such as telephone calls, email, facsimiles, web chat, voice over internet protocol, and so on (**see at least abstract**). The system includes a contact center server that includes a routing manager among other components. When the contact center server receives a communication request from one of the plurality of media types, it recognizes the requests and it requests creation of a contact object with routing manager. The routing manager, which is part of the contact center server, adds the contact object to the queue (**see at least figs 59-64**). The queue is a common queue independent of media type that allows different media type contacts to be queued. The system then routes the queued contact to the appropriate available agent based on availability and media type (**see at least fig 50, column 41, lines 45-67**). The system inherently uses appropriate drivers to communicate via the different media types (**see at least column 10, lines 14-22**). The contact center server communicating via a common queue that is independent of media types and routes the contact to the appropriate agent based on the media type meets the scope of the claimed limitations.

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Argument C: *Mears fails to show a centralized mechanism that operates as the claimed communication server. There is not disclosure in Mears that a communication server operates or communicates in a media-independent manner.*

In response, the Examiner respectfully disagrees. Mears teaches a contact center system employing a contact center server that includes a routing manager among other components. When the contact center server receives a communication request from one of the plurality of media types, it recognizes the requests and it requests creation of a contact object with routing manager. The routing manager, which is part of the contact center server, adds the contact object to the queue (**see at least figs 59-64**).

Claim Rejections - 35 USC § 101

2. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

3. Claims 2, 5-9, 11, 13-14, 21, 24-28, 30, 32-34, 37-43, 45-47, 49-50, 52-56, and 58-60 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

Claims 2, 5-9, 11, 13, 14, and 54-56 are directed to an *apparatus* that according to at least page 45-46 can be merely software. Software per se claims are ineligible for patent protection because they do not fall within any of the four statutory classes of § 101. The claims are therefore directed to non-statutory subject matter.

Claims 21, 24-28, 30, 32-33, and 58 are directed to a *system* that according to at least page 45-46 can be merely software. Software per se claims are ineligible for patent protection

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because they do not fall within any of the four statutory classes of § 101. The claims are therefore directed to non-statutory subject matter.

Claims 34, 37-43, 45-46, and 59 are directed to a *computer program product* which is merely a program. Program per se claims are ineligible for patent protection because they do not fall within any of the four statutory classes of § 101. The claims are therefore directed to non-statutory subject matter.

Claim 47 is directed to a *computer readable medium* which according to at least page 45-46 is not limited to storage media and can include carrier media and signals. Carrier wave or signal claims are ineligible for patent protection because they do not fall within any of the four statutory classes of § 101. The claims are therefore directed to non-statutory subject matter.

Claims 49-50, 52-53 and 60 are directed to a *system* that according to page 45-46 can be merely software. Software per se claims are ineligible for patent protection because they do not fall within any of the four statutory classes of § 101. The claims are therefore directed to non-statutory subject matter.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any

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evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

5. Claims 2, 5-9, 11, 13-16, 18-19, 21, 24-28, 30, 32-34, 37-43, 45-47, 49-50, and 52-60 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mears et al (US Patent No. 7,092,509) in view of "Official Notice".

6. As per claim 2, Mears et al teach an apparatus for communicating using a communication channel of one or more media-specific communication channels comprising:
a configurable communication server configured to communicate, in a media-independent manner via said communication channel of said one or more media specific communication channels using a corresponding channel driver associated with each communication channel **(see at least column 10, lines 14-22; software for each media type)** allow the communication server to communicate via said communication channel independently of a media type of and vendor-dependent communication protocols for said communication channel **(see at least column 41, lines 45-55, column 1, lines 20-30, column 3, lines 19-40, column 10, lines 14-19)**

access information regarding a type of communication that uses the communication channel determine a command to issue to the communication channel to cause an outgoing communication to be sent if the type of communication is outgoing; and determine an event response to perform in response to an event if the type of communication is incoming wherein

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the information is accessed from a memory storing data corresponding to a configuration of the communication channel (**see at least column 10, lines 24-column 11, lines 5**) and

a web browser-based media-independent user interface comprising a first user interface object configured to provide a notification of the event received from the communication channel and wherein the user interface displays a single web browser-based toolbar providing a visual depiction of all options available to a user to participate in said outgoing and incoming communications (**see at least column 38, lines 28-40, column 39, lines 18-67**).

Mears et al fail to **explicitly** teach that the media-specific communication channels are *of one or more vendors and wherein each vendor of a communication channel provides a channel driver implementation for a corresponding channel driver associated with said communication channel and wherein each said channel driver implementation is configured according to a common communication application program interface*. However, "Official Notice" is taken that the concept of these features are well known in the art as evidenced by Sadovsky et al (US 7,047,534, see at least abstract, column 1, line 65-column 2, line 25, column 6, line 4-column 7, line 15) and Furner et al (US 5,974,474, see at least column 1, lines 50-60). It would have been obvious to one of ordinary skill in the art to include this feature in Mears et al because doing so would allow Mears et al's system to use vendor specific communication channels by using drivers provided by vendors of those communication channels.

7. As per claim 5, Mears et al teach an apparatus comprising:

a database comprising an event record, wherein the event record comprises the information regarding the event (**see at least column 2, lines 9-21, column 10, line 25-column 11, line 5**).

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8. As per claim 6, Mears et al teach an apparatus wherein the configurable communication server is configured by performing one of adding the event record to the database, modifying the event record in the database, and deleting the event record from the database **(see at least column 2, lines 9-21, column 10, line 25-column 11, line 5).**

9. As per claim 7, Mears et al teach an apparatus comprising: at least one event handler and wherein the event record comprises a name of one event handler of the at least one event handler for handling the event and the configurable communication server uses the one event handler named in the event record for handling the event **(see at least column 49, lines 4-13, column 56, lines 45-50).**

10. As per claim 8, Mears et al teach an apparatus wherein the database further comprises an event response record associated with the event record; and the configurable communication server is further configured to determining the event response by accessing the event response record associated with the event record **(see at least column 49, lines 4-13, column 56, lines 45-50).**

11. As per claim 9, Mears et al teach an apparatus wherein the information regarding the event further comprises information regarding the event response; and the configurable communication server is further configured to perform the event response **(see at least column 3, lines 10-40, column 49, lines 4-13, column 56, lines 45-50)**

12. As per claim 11, Mears et al teach an apparatus wherein the configurable communication server is coupled to the channel driver such that the configurable

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communication server receives the event from the communication channel via the channel **(see at least column 3, lines 20-40, column 41, lines 45-62, fig 50).**

13. As per claim 13, Mears et al teach an apparatus comprising: a user interface comprising a user interface object capable of being activated, wherein the configurable communication server is configured to send the outgoing communication to the communication channel when the user interface object is activated **(see at least column 39, lines 53-67, column 9, lines 55-67).**

14. As per claim 14, Mears et al teach an apparatus wherein: the configurable communication server is configured to send the outgoing communication by issuing the command to the communication channel **(see at least column 9, lines 55-67, column 10, line 25-column 11, line 5).**

15. As per claims 15-16, 18-19, 21, 24-28, 30, 32-34, 37-43, 45-47, 49-50, and 52-53 these claims contain similar limitations as claims 2, 5-9, 11, 13-14 above, therefore are rejected under the same rationale.

16. As per claim 54, Mears et al teach memory storing data corresponding to the configuration of the communication channel is a database **(see at least column 2, lines 9-21, column 10, line 25-column 11, line 5).**

17. As per claim 55, Mears et al teach wherein the database comprises one or more of: information regarding a channel driver associated with the communication channel; a media

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type associated with the communication channel, a media string used by the configuration server at run time to invoke a media service for the channel driver; one or more channel parameters and a default value for each of the one or more channel driver parameters (**see at least column 2, lines 9-21, column 10, line 25-column 11, line 5**)..

18. As per claims 56-60, Mears et al teach wherein said media-specific communication channel relates to *one of the* following media types: telephone; e-mail; fax; web collaboration; the Interact call-me-now; the Internet call-me-later; web chat; wireless access protocol; paging; and a short messaging service (**see at least column 41, lines 45-55**).

Conclusion

Examiner's Note: The Examiner has cited specific citations in the reference(s) as applied to the claim(s) above for the convenience of the Applicant. Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested that the Applicant, in preparing their response, fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the examiner.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ramsey Refai whose telephone number is (571) 272-3975. The examiner can normally be reached on M-F 8:30 - 5:00 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ryan Zeender can be reached on (571) 272-6790. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Ramsey Refai
February 16, 2009
/Ramsey Refai/
Examiner, Art Unit 3627